

AMENDED IN ASSEMBLY JUNE 20, 2013

AMENDED IN SENATE APRIL 3, 2013

SENATE BILL

No. 343

Introduced by Senator Yee

February 20, 2013

An act to repeal and add Section 391 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 343, as amended, Yee. Dependent children: documents.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law prohibits the court from terminating dependency jurisdiction over a nonminor who has reached 18 years of age until a hearing is conducted and the county welfare department has submitted a report verifying that specified information, documents, and services have been provided to the child.

This bill would revise and recast these provisions to, among other things, require the county welfare department to submit reports at the first regularly scheduled hearing after the child has attained 16 years of age and at the hearing immediately prior to the child attaining 18 years of age, verifying that the county has provided certain of the above-described information, documents, and services to the child. By increasing the reporting duties of county welfare departments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 391 of the Welfare and Institutions Code
- 2 is repealed.
- 3 SEC. 2. Section 391 is added to the Welfare and Institutions
- 4 Code, to read:
- 5 391. (a) At the first regularly scheduled court hearing after a
- 6 dependent child has attained 16 years of age, the county welfare
- 7 department shall submit a report verifying that the following
- 8 information, documents, and services have been provided to the
- 9 child:
- 10 (1) Social security card.
- 11 (2) Certified copy of the birth certificate.
- 12 (3) Driver's license, as described in Section 12500 of the Vehicle
- 13 Code, or identification card, as described in Section 13000 of the
- 14 Vehicle Code.
- 15 (4) Assistance in obtaining employment, if applicable.
- 16 (5) Assistance in applying for, or preparing to apply for,
- 17 admission to college or to a vocational training program or other
- 18 educational institution and in obtaining financial aid, where
- 19 applicable.
- 20 (6) Written information notifying the child that current or former
- 21 dependent children who are or have been in foster care are granted
- 22 a preference for student assistant or internship positions with state
- 23 agencies pursuant to Section 18220 of the Government Code until
- 24 he or she attains 26 years of age.
- 25 (b) At the hearing immediately prior to a dependent child
- 26 attaining 18 years of age and at every review hearing thereafter,
- 27 the county welfare department shall submit a report describing
- 28 efforts toward providing the following information, documents,
- 29 and services to the child:
- 30 (1) All of the documents, written information, and assistance
- 31 set forth in subdivision (a).

1 (2) A letter prepared by the county welfare department that
2 includes the following information:

3 (A) The *minor's or* nonminor's name and date of birth.

4 (B) The dates during which the *minor or* nonminor was within
5 the jurisdiction of the juvenile court.

6 (C) A statement that the *minor or* nonminor was a foster youth
7 in compliance with state and federal financial aid documentation
8 requirements.

9 (D) If applicable, the death certificate of the parent or parents.

10 (E) If applicable, proof of the *minor's or* nonminor's citizenship
11 or legal residence.

12 (F) An advance health care directive form.

13 (G) The Judicial Council form that the *minor or* nonminor would
14 use to file a petition pursuant to subdivision (e) of Section 388 to
15 resume dependency jurisdiction.

16 (H) The written 90-day transition plan prepared pursuant to
17 Section 16501.1.

18 (3) If applicable, referrals to transitional housing, if available,
19 or assistance in securing other housing.

20 (4) Assistance in maintaining relationships with individuals
21 who are important to a nonminor who has been in out-of-home
22 placement for six months or longer from the date the nonminor
23 entered foster care, based on the nonminor's best interests.

24 (5) The whereabouts of any siblings under the jurisdiction of
25 the juvenile court, unless the court determines that sibling contact
26 would jeopardize the safety or welfare of either sibling.

27 (c) The dependency court shall not terminate jurisdiction over
28 a nonminor unless a hearing is conducted pursuant to this section.
29 At any hearing at which the court is considering terminating
30 jurisdiction over a nonminor, the county welfare department shall
31 do all of the following:

32 (1) Ensure that the dependent nonminor is present in court,
33 unless the nonminor does not wish to appear in court and elects a
34 telephonic appearance, or document reasonable efforts made by
35 the county welfare department to locate the nonminor when the
36 nonminor is not available.

37 (2) Submit a report describing whether it is in the nonminor's
38 best interests to remain under the court's dependency jurisdiction,
39 which includes a recommended transitional independent living

1 case plan for the nonminor when the report describes continuing
2 dependency jurisdiction as being in the nonminor's best interest.

3 (3) If the county welfare department recommends termination
4 of the court's dependency jurisdiction, submit documentation of
5 the reasonable efforts made by the department to provide the
6 nonminor with the assistance needed to meet or maintain eligibility
7 as a nonminor dependent, as defined in paragraphs (1) to (5),
8 inclusive, of subdivision (b) of Section 11403.

9 (4) If the nonminor has indicated that he or she does not want
10 dependency jurisdiction to continue, the report shall address the
11 manner in which the nonminor was advised of his or her options,
12 including the benefits of remaining in foster care, and of his or her
13 right to reenter foster care and to file a petition pursuant to
14 subdivision (e) of Section 388 to resume dependency jurisdiction
15 prior to attaining 21 years of age.

16 (d) (1) The court shall continue dependency jurisdiction over a
17 nonminor who meets the definition of a nonminor dependent as
18 described in subdivision (v) of Section 11400 unless the court finds
19 either of the following:

20 (A) That the nonminor does not wish to remain subject to
21 dependency jurisdiction.

22 (B) That the nonminor is not participating in a reasonable and
23 appropriate transitional independent living case plan.

24 (2) In making the findings pursuant to paragraph (1), the court
25 must also find that the nonminor has been informed of his or her
26 options including the benefits of remaining in foster care and the
27 right to reenter foster care by filing a petition pursuant to
28 subdivision (e) of Section 388 to resume dependency jurisdiction
29 and by completing a voluntary reentry agreement pursuant to
30 subdivision (z) of Section 11400, and has had an opportunity to
31 confer with his or her counsel if counsel has been appointed
32 pursuant to Section 317.

33 (e) The court may terminate its jurisdiction over a nonminor if
34 the court finds after reasonable and documented efforts the
35 nonminor cannot be located.

36 (f) When terminating dependency jurisdiction the court shall
37 maintain general jurisdiction over the nonminor to allow for the
38 filing of a petition to resume dependency jurisdiction under
39 subdivision (e) of Section 388 until the nonminor attains 21 years
40 of age, although no review proceedings shall be required. A

1 nonminor may petition the court pursuant to subdivision (e) of
2 Section 388 to resume dependency jurisdiction at any time before
3 attaining 21 years of age.

4 (g) The court shall not terminate dependency jurisdiction over
5 a nonminor dependent who has attained 18 years of age until a
6 hearing is conducted pursuant to this section. Jurisdiction shall not
7 be terminated until the department has submitted a report verifying
8 that the information, documents, and services required under
9 subdivisions (a) and (b), as well as the following information,
10 documents, and services, have been provided to the nonminor, or
11 in the case of a nonminor who, after reasonable efforts by the
12 county welfare department, cannot be located, verifying the efforts
13 made to make the following available to the nonminor:

14 (1) Assistance in accessing the Independent Living Aftercare
15 Program in the nonminor's county of residence, and, upon the
16 nonminor's request, assistance in completing a voluntary reentry
17 agreement for care and placement pursuant to subdivision (z) of
18 Section 11400 and in filing a petition pursuant to subdivision (e)
19 of Section 388 to resume dependency jurisdiction.

20 (2) Written information concerning the nonminor's dependency
21 case, including, but not limited to, all of the following:

22 (A) Any known information regarding the nonminor's Indian
23 heritage or tribal connections.

24 (B) If applicable, ~~his or her~~ *the nonminor's* family history and
25 placement history.

26 (C) Any photographs of the nonminor or his or her family in
27 the possession of the county welfare department, other than forensic
28 photographs.

29 (D) Directions on how to access the documents the nonminor
30 is entitled to inspect under Section 827.

31 (E) The date on which the jurisdiction of the juvenile court
32 would be terminated.

33 (3) The health and education summary described in subdivision
34 (a) of Section 16010.

35 (4) The Judicial Council form that the nonminor would use to
36 file a petition pursuant to subdivision (e) of Section 388 to resume
37 dependency jurisdiction.

38 (5) Assistance with the following:

39 (A) Completing an application for Medi-Cal or assistance in
40 obtaining other health insurance.

1 (B) Referrals to transitional housing, if available, or assistance
2 in securing other housing.

3 (C) Obtaining employment or other financial support, if
4 applicable.

5 SEC. 3. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.